

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Filed Against:

Case No.: 6871

CINDY HANSEN JEMMINGS
721 Hacienda Avenue
San Lorenzo, CA 94580

**DEFAULT DECISION
AND ORDER**

Vocational Nurse License No. VN 152647

Respondent.

Cindy Hansen Jemmings ("Respondent") was served Petition to Revoke Probation No. 6871; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on November 4, 2008 at her address of record as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

The Board of Vocational Nursing and Psychiatric Technicians ("Board") has determined that Respondent has waived her rights to a hearing to contest the merits of the Petition to Revoke Probation and that the Board will take action on Petition to Revoke Probation without a hearing, pursuant to Government Code section 11520.

The Board makes the following findings of fact:

FINDINGS OF FACT

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Petition to Revoke Probation solely in her capacity as the Board's Executive Officer.

2. On July 12, 1991, the Board issued Vocational Nurse License Number VN 152647 to Respondent. Said license will expire on January 31, 2009, unless renewed.

3. Pursuant to Business and Professions Code section 2875, the Board may discipline any licensed vocational nurse for any reason provided in Article 3 of the Vocational

1 Nursing Practice Act.

2 4. Pursuant to Business and Professions Code section 118(b), the expiration of a
3 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
4 period within which the license may be renewed, restored, reissued, or reinstated. Under Business
5 and Professions Code section 2892.1, the Board may renew an expired license at any time within
6 four years after the expiration.

7 5. Respondent has subjected her probation to revocation in that Respondent
8 failed to comply with the terms and conditions of the Probation Program established by the Board.
9 Respondent failed to comply with probation terms #2, #5, #7, #8, #11, and #14, as described in
10 Petition to Revoke Probation No. 6871, a copy of which is attached as Exhibit "1" and incorporated
11 by reference.

12 **DETERMINATION OF ISSUES**

13 Based on the foregoing Findings of Fact, Respondent has subjected her probation to
14 revocation for failure to comply with the terms and conditions of the Probation Program established
15 by the Board.

16 **LOCATION OF RECORD**

17 The record on which this Default Decision is based is located at the Sacramento
18 office of the Board of Vocational Nursing and Psychiatric Technicians.

19 **ORDER**

20 **WHEREFORE**, the Board of Vocational Nursing and Psychiatric Technicians
21 makes the following order:

22 Vocational Nurse License Number VN 152647 authorizing Respondent to act as a
23 vocational nurse is hereby revoked.


24 Respondent shall have the right to petition for reinstatement of the aforesaid license
25 pursuant to the provision of section 2878.7(a)(1) of the Business and Professions Code.

26 Respondent shall not be deprived of making any further showing by way of
27 mitigation; however, such showing must be made directly to the Board of Vocational Nursing and
28 Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to

1 the effective date of this Decision.

2 This Default Decision shall become effective on March 29, 2009.

3 Dated and signed February 27, 2009.

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8 John P. Vertido, L.V.N.
9 President
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27 Attachments: Exhibit "1", Petition to Revoke Probation No. 6871 and Declaration of Service
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Exhibit "1"

Petition to Revoke Probation No. 6871 and Declaration of Service

NOV 04 2008

**Board of Vocational Nursing
and Psychiatric Technicians**

EDMUND G. BROWN JR., Attorney General
of the State of California
WILBERT E. BENNETT
Supervising Deputy Attorney General
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Facsimile: (510) 622-2270
Attorneys for Complainant

**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC
TECHNICIANS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

Case No. 6871

CINDY HANSEN JEMMINGS
721 Hacienda Avenue
San Lorenzo, California 94580
Vocational Nurse License No. VN 152647

**PETITION TO REVOKE
PROBATION**

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Bureau of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about July 12, 1991, the Board of Vocational Nursing and Psychiatric Technicians issued vocational nurse license number VN 152647 to CINDY HANSEN JEMMINGS (Respondent). The vocational nurse license was in effect at all times relevant to the charges brought herein and will expire on January 31, 2009, unless renewed.

3. In a disciplinary action entitled "In the Matter of Accusation Against CINDY HANSEN JEMMINGS," Case No. 6871, the Board of Vocational Nursing and

1 Psychiatric Technicians issued a decision, effective October 5, 2006, in which Respondent's
2 vocational nurse license was revoked. However, the revocation was stayed and Respondent's
3 vocational nurse license was placed on probation for a period of three (3) years with certain terms
4 and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

5 **JURISDICTION**

6 4. This Petition to Revoke Probation is brought before the Director of
7 Consumer Affairs (Director)^{1/} for the Bureau of Vocational Nursing and Psychiatric Technicians.

8 **FIRST CAUSE TO REVOKE PROBATION**

9 **(Compliance with Probation Program and Quarterly Reports)**

10 5. At all times after the effective date of Respondent's probation, Condition 2
11 stated:

12 **Compliance With Probation Program And Quarterly Report**
13 **Requirements.** Respondent shall fully comply with terms and conditions
14 of the probation established by the Board and shall cooperate with the
representatives of the Board in its monitoring and investigation of the
Respondent's compliance with the Probation Program.

15 Respondent shall submit quarterly reports, under penalty of perjury, in a form
16 required by the Board. The reports shall certify and document compliance with all
the conditions of probation.

17 6. Respondent's probation is subject to revocation because she failed to
18 comply with Probation Condition 2, referenced above, by committing the following acts:

19 a. Respondent failed to cooperate with the Board's representatives in the
20 monitoring and investigation of her compliance with the Probation Program by, among other
21 things, not responding to the Board's letters dated November 7, 2007 and March 18, 2008,
22 advising her of the probation violations and how to correct them.

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27 1. Pursuant to Business and Professions Code section 101.1(b), on July 1, 2008, the
28 Director became vested with the duties, power, purposes, responsibilities, and jurisdiction of
the Board of Vocational Nursing and Psychiatric Technicians.

b. Respondent failed to submit Quarterly Written Reports as required by Condition 2, certifying and documenting her compliance with all conditions of probation for the following periods:

<u>Reporting Period</u>	<u>Due Date</u>
October - December 2007	January 7, 2008
January - March 2008	April 7, 2008
April - June 2008	July 7, 2008

c. Respondent failed to submit in a timely manner the following Quarterly Written Reports:

<u>Reporting Period</u>	<u>Due Date</u>	<u>Date Received</u>	<u>Days Delinquent</u>
October - December 2006	January 7, 2007	March 2, 2007	53
January - March 2007	April 7, 2007	April 8, 2007	1
April - June 2007	July 7, 2007	July 27, 2007	20
July - September 2007	October 7, 2007	October 9, 2007 ²	2

SECOND CAUSE TO REVOKE PROBATION

(Notification to Employer(s))

7. At all times after the effective date of Respondent's probation, Condition 5 stated, in pertinent part:

Notification to Employer(s). Respondent shall cause each health care employer to submit quarterly reports to the Board. The reports shall be on a form provided by the Board, shall include a performance evaluation and such other information as may be required by the Board.

8. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 5, referenced above, by not having her health care employer submit quarterly reports attesting to her ability to perform the duties and responsibilities of a licensed vocational nurse.

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2. Report was initially received October 2, 2007, however, was returned because it was incomplete.

1 **THIRD CAUSE TO REVOKE PROBATION**

2 (Employment Requirements and Limitations)

3 9. At all times after the effective date of Respondent's probation, Condition 7
4 stated, in pertinent part:

5 **Employment Requirements And Limitations.** During probation, Respondent
6 shall work in her licensed capacity in the State of California. This practice shall
7 consist of no less than six (6) continuous months and of no less than twenty (20)
8 hours per week.

9 10. Respondent's probation is subject to revocation because she failed to
10 comply with Probation Condition 7, referenced above, by not working in her licensed capacity
11 for no less than six (6) continuous months and of no less than twenty (20) hours per week.

12 **FOURTH CAUSE TO REVOKE PROBATION**

13 (Supervision Requirements)

14 11. At all times after the effective date of Respondent's probation, Condition
15 8 stated, in pertinent part:

16 **Supervision Requirements.** Respondent shall obtain prior approval from the
17 Board, before commencing any employment, regarding the level of supervision
18 provided to Respondent while employed as a licensed vocational nurse or
19 psychiatric technician.

20 12. Respondent's probation is subject to revocation because she failed to
21 comply with Probation Condition 8, referenced above, by not obtaining prior approval from the
22 Board regarding the level of supervision provided to her while employed as a licensed
23 vocational nurse. She also failed to work in her licensed capacity as required under Term 7,
24 resulting in her failing to meet the requirements of this term.

25 **FIFTH CAUSE TO REVOKE PROBATION**

26 (Completion of Education Course(s))

27 13. At all times after the effective date of Respondent's probation, Condition
28 9 stated:

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Respondent, at her own expense, shall enroll and successfully complete a course(s) substantially related to the violation(s) no later than the end of the first year of probation; or Respondent shall be suspended from practice, until she has enrolled in and has successfully completed the specified coursework.

The coursework shall be in addition to that required for license renewal. The Board shall notify Respondent of the course content and number of contact hours required. Within thirty (30) days of the Board's written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Upon successful completion of the course, Respondent shall cause the instructor to furnish proof to the Board within thirty (30) days of course completion.

14. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 9, referenced above, by not completing the remedial education assignment assigned to her within the first year of probation. Courses were assigned relating to the subject of *Law and Ethics* and *Chemical Dependency/Substance Abuse* (30 contact hours each). The Board approved her remedial educational plan on February 15, 2007, and Respondent failed to submit proof of successfully completing the courses within the first year of probation (by October 4, 2007), as required.

SIXTH CAUSE TO REVOKE PROBATION

(Cost Recovery Requirements)

15. At all times after the effective date of Respondent's probation, Condition 11 stated, in pertinent part:

Cost Recovery Requirements. Respondent shall pay to the Board pursuant to Business and Professions Code Section 125.3 the costs of investigation and enforcement in this matter in the amount of \$3,783.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with the payments to be completed no later than three months prior to the end of the probation term. Failure to complete payment of cost recovery within this time frame shall constitute a violation of probation which may subject Respondent's license to outright revocation.

16. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 11, referenced above, by not reimbursing the Board for the costs associated with its investigation and enforcement in the amount of \$3,783.00. During her initial probation compliance meeting, she agreed to make thirty monthly payments of \$122.03

1 and a final payment of \$122.10. After failing to make payments as agreed, the Board mailed a
2 Demand for Payment letter dated January 22, 2007, resulting in two payments totaling \$244.06.
3 Two additional Demand for Payment letters dated August 14, 2007, and November 21, 2007,
4 were mailed without response. Respondent's outstanding balance is \$3,538.94.

5 **SEVENTH CAUSE TO REVOKE PROBATION**

6 **(Chemical Dependency Support/Recovery Groups)**

7 17. At all times after the effective date of Respondent's probation, Condition
8 14 stated:

9 **Chemical Dependency Support/recovery Groups.** Within five (5) days of the
10 effective date of the Decision, Respondent shall begin attendance at a chemical
11 dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous,
12 Nurse Support Group). Verified documentation of attendance shall be
submitted by Respondent with each quarterly report. Respondent shall continue
attendance in such a group for the duration of probation.

13 18. Respondent's probation is subject to revocation because she failed to
14 comply with Probation Condition 14, referenced above, by not submitting proof of attendance
15 at a Chemical Dependency Support/Recovery Group meeting no less than two (2) times per
16 week. She was instructed at her initial probation compliance meeting and provided with
17 attendance verification forms to complete and submit on a quarterly basis. The last verification
18 form received is dated through September 30, 2007.

19 **PRAYER**


20 WHEREFORE, Complainant requests that a hearing be held on the matters
21 herein alleged, and that following the hearing, the Director of Consumer Affairs issue a
22 decision:

23 1. Revoking the probation that was granted by the Board of Vocational
24 Nursing and Psychiatric Technicians in Case No. 6871 and imposing the disciplinary order that
25 was stayed thereby revoking vocational nurse license number VN 152647, issued to CINDY
26 HANSEN JEMMINGS;

27 2. Revoking or suspending vocational nurse license number VN 152647,
28 issued to CINDY HANSEN JEMMINGS; and

1 3. Taking such other and further action as deemed necessary and proper.

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3 DATED: November 4, 2008.

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9 TERESA BELLO-JONES, J.D., M.S.N., R.N.
10 Executive Officer
11 Bureau of Vocational Nursing and Psychiatric
12 Technicians
13 Department of Consumer Affairs
14 State of California
15 Complainant

16 035951105F2008200286
17 CSR: 10/29/08

Exhibit A

Decision and Order

Bureau of Vocational Nursing and Psychiatric Technicians Case No. 6871

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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 6871

CINDY JEMMINGS
721 Hacienda Avenue
San Lorenzo, CA 94580

Vocational Nurse License No. VN 152647

Respondent.

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DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 5, 2006.

IT IS SO ORDERED this 5TH day of September, 2006.

Sister Marie de Porres Taylor

Sister Marie de Porres Taylor
President

1 BILL LOCKYER, Attorney General
of the State of California
2 CAROL S. ROMEO, State Bar No. 124910
Deputy Attorney General
3 California Department of Justice
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Facsimile: (510) 622-2270
6
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING**
10 **AND PSYCHIATRIC TECHNICIANS**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 6871

14 CINDY HANSEN JEMMINGS

OAH No.

15 721 Hacienda Avenue
16 San Lorenzo, CA 94580

17 **STIPULATED SETTLEMENT AND**
18 **DISCIPLINARY ORDER**

19 Vocational Nurse License No. VN 152647

20 Respondent.

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
22 above-entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Teresa Bello-Jones, J.D., M.P.H., R.N. (Complainant) is the Executive
25 Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action
26 solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General
27 of the State of California, by Carol S. Romeo, Deputy Attorney General.

28 2. CINDY HANSEN JEMMINGS (Respondent) is representing herself in
this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about July 12, 1991, the Board of Vocational Nursing and
Psychiatric Technicians issued Vocational Nurse License No. VN 152647 to CINDY HANSEN
JEMMINGS (Respondent). The License was in full force and effect at all times relevant to the

1 charges brought in Accusation No. 6871 and will expire on January 31, 2007, unless renewed.

2 JURISDICTION

3 4. Accusation No. 6871 was filed before the Board of Vocational Nursing
4 and Psychiatric Technicians (Board), and is currently pending against Respondent. The
5 Accusation and all other statutorily required documents were properly served on Respondent on
6 March 22, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A
7 copy of Accusation No. 6871 is attached as Exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations
10 in Accusation No. 6871. Respondent has also carefully read, and understands the effects of this
11 Stipulated Settlement and Disciplinary Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the
13 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
14 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
15 the right to present evidence and to testify on her own behalf; the right to the issuance of
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to
17 reconsideration and court review of an adverse decision; and all other rights accorded by the
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
20 each and every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in
23 Accusation No. 6871.

24 9. Respondent agrees that her Vocational Nurse License is subject to
25 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
26 Disciplinary Order below.

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1 already submitted by Respondent as part of her licensure application process effective July 1,
2 1996. Respondent shall also submit a recent 2" x 2" photograph of herself within thirty (30) days
3 of the effective date of the decision.

4 2. **Compliance With Probation Program And Quarterly Report**

5 **Requirements.** Respondent shall fully comply with terms and conditions
6 of the probation established by the Board and shall cooperate with the representatives of the
7 Board in its monitoring and investigation of the Respondent's compliance with the Probation
8 Program.

9 Respondent shall submit quarterly reports, under penalty of perjury, in a form
10 required by the Board. The reports shall certify and document compliance with all the conditions
11 of probation.

12 3. **Notification of Address And Telephone Number Change(s).**

13 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or
14 mailing address, of her new address and any change in her work and/or home telephone numbers.

15 4. **Notification of Residency or Practice Outside of State.** Respondent

16 shall notify the Board, in writing, within five (5) days, if she leaves California to reside or
17 practice in another state.

18 Respondent shall notify the Board, in writing, within five (5) days, upon her return
19 to California.

20 The period of probation shall not run during the time Respondent is residing or
21 practicing outside California.

22 5. **Notification to Employer(s).** When currently employed or applying for

23 employment in any capacity in any health care profession, Respondent shall notify her employer
24 of the probationary status of Respondent's license. This notification to the Respondent's current
25 health care employer shall occur no later than the effective date of the Decision. Respondent
26 shall notify any prospective health care employer of her probationary status with the Board prior
27 to accepting such employment. This notification shall be by providing the employer or
28 prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

1 The Health Care Profession includes, but is not limited to: Licensed Vocational
2 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency
3 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary
4 technical health care positions.

5 Respondent shall cause each health care employer to submit quarterly reports to
6 the Board. The reports shall be on a form provided by the Board, shall include a performance
7 evaluation and such other information as may be required by the Board.

8 Respondent shall notify the Board, in writing, within five (5) days of any change
9 in employment status. Respondent shall notify the Board, in writing, if she is terminated from
10 any nursing or health care related employment with a full explanation of the circumstances
11 surrounding the termination.

12 6. **Interviews/meetings With Board Representative(s).** Respondent,
13 during the period of probation, shall appear in person at interviews/meetings as directed by the
14 Board, or its designated representatives.

15 7. **Employment Requirements And Limitations.** During probation,
16 Respondent shall work in her licensed capacity in the State of California. This practice shall
17 consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

18 While on probation, Respondent shall not work for a nurses' registry or in any
19 private duty position, a temporary nurse placement agency, as a faculty member in an accredited
20 or approved school of nursing, or as an instructor in a Board approved continuing education
21 course except as approved, in writing, by the Board. Respondent shall work only on a regularly
22 assigned, identified and predetermined work site(s) and shall not work in a float capacity except
23 as approved, in writing, by the Board.

24 8. **Supervision Requirements.** Respondent shall obtain prior approval from
25 the Board, before commencing any employment, regarding the level of supervision provided to
26 Respondent while employed as a licensed vocational nurse or psychiatric technician.

27 Respondent shall not function as a charge nurse (i.e., work in any healthcare
28 setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians,

1 certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric
2 technician during the period of probation except as approved, in writing, by the Board.

3 **9. Completion of Educational Course(s).** Respondent, at her own expense,
4 shall enroll and successfully complete a course(s) substantially related to the violation(s) no later
5 than the end of the first year of probation; or Respondent shall be suspended from practice, until
6 she has enrolled in and has successfully completed the specified coursework.

7 The coursework shall be in addition to that required for license renewal. The
8 Board shall notify Respondent of the course content and number of contact hours required.
9 Within thirty (30) days of the Board's written notification of assigned coursework, Respondent
10 shall submit a written plan to comply with this requirement. The Board shall approve such plan
11 prior to enrollment in any course of study.

12 Upon successful completion of the course, Respondent shall cause the instructor
13 to furnish proof to the Board within thirty (30) days of course completion.

14 **10. Maintenance of Valid License.** Respondent shall, at all times while on
15 probation, maintain an active current license with the Board, including any period during which
16 probation is tolled.

17 Should respondent's license, by operation of law or otherwise, expire, upon
18 renewal or reinstatement respondent's license shall be subject to any and all terms of this
19 probation not previously satisfied.

20 **11. Cost Recovery Requirements.** Respondent shall pay to the Board
21 pursuant to Business and Professions Code Section 125.3 the costs of investigation and
22 enforcement in this matter in the amount of \$3,783.00. Respondent shall be permitted to pay
23 these costs in a payment plan approved by the Board, with the payments to be completed no later
24 than three months prior to the end of the probation term. Failure to complete payment of cost
25 recovery within this time frame shall constitute a violation of probation which may subject
26 Respondent's license to outright revocation.

27 The Board may conditionally renew or reinstate, for a maximum of one year, the
28 license of any respondent who demonstrates financial hardship. Respondent shall enter into a

1 formal agreement with the Board to reimburse the unpaid costs within that one year period.

2 Except as provided above, the Board shall not renew or reinstate the license of any
3 Respondent who has failed to pay all the costs as directed in a Decision.

4 12. **Violation of Probation.** If Respondent violates the conditions of her
5 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
6 aside the stay order and impose the stayed discipline (revocation) of the Respondent's license. If
7 during the period of probation, an accusation or petition to revoke has been filed against the
8 Respondent's license or the Attorney General's Office has been requested to prepare an
9 accusation or petition to revoke probation against the Respondent's license, the probationary
10 period shall automatically be extended and shall not expire until the accusation or petition has
11 been acted upon by the Board. Upon successful completion of probation, the Respondent's
12 license will be fully restored.

13 13. **Psychological Evaluation.** Within sixty (60) days of the effective date of
14 the Decision, Respondent shall submit to a psychiatric/psychological evaluation. The evaluation
15 shall be performed by a psychiatrist licensed in California and Board certified in psychiatry, or by
16 a clinical psychologist licensed in California. This evaluation shall be for the purpose of
17 determining Respondent's current mental, psychological and emotional fitness to perform all
18 professional duties with safety to self and to the public. Respondent shall provide the evaluator
19 with a copy of the Board's Disciplinary Order prior to the evaluation. Cost of such evaluation
20 shall be paid by Respondent.

21 Respondent shall cause the evaluator to submit to the Board a written
22 psychological report concerning Respondent's status and progress as well as such other
23 information as may be requested by the Board. This report shall be submitted within ninety (90)
24 days from the effective date of the Decision.

25 If the evaluator finds that Respondent is not psychologically fit to practice safely,
26 or can only practice with restrictions, the evaluator shall notify the Board, in writing, within five
27 (5) working days. The Board shall notify Respondent in writing of the evaluator's determination
28 of unfitness to practice and shall order Respondent to cease or restrict licensed activities as a

1 condition of probation. Respondent shall comply with this condition until the Board is satisfied
2 of respondent's fitness to practice safely and has so notified Respondent. Respondent shall
3 document compliance in the manner required by the Board.

4 If the evaluator finds that psychotherapy is required, Respondent shall participate
5 in a therapeutic program at the Board's discretion. Cost of such therapy shall be paid by
6 Respondent.

7 14. **Chemical Dependency Support/recovery Groups.** Within five (5) days
8 of the effective date of the Decision, Respondent shall begin attendance at a chemical
9 dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support
10 Group). Verified documentation of attendance shall be submitted by Respondent with each
11 quarterly report. Respondent shall continue attendance in such a group for the duration of
12 probation.

13 15. **Abstain From Controlled Substances.** Respondent shall completely
14 abstain from the personal use or possession of controlled substances, as defined in the California
15 Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of
16 the Business and Professions Code, except when lawfully prescribed by a licensed practitioner
17 for a bona fide illness.

18 16. **Abstain From Use of Alcohol.** Respondent shall completely abstain from
19 the use of alcoholic beverages during the period of probation.

20 17. **Submit Biological Fluid Samples.** Respondent shall immediately submit
21 to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There
22 will be no confidentiality in test results; positive test results will be immediately reported to the
23 Board and the Respondent's current employer.

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DATED: 10/15/06

ENDORSEMENT

DATED: 6/23/06

Carol S. Komisar

Attorneys for Complainant

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Exhibit A
Accusation No. 6871

1 BILL LOCKYER, Attorney General
of the State of California
2 CAROL S. ROMEO, State Bar No. 124910
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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 6871

12 CINDY HANSEN JEMMINGS
16060 Via Walters
13 San Lorenzo, CA 94580

ACCUSATION

14 Vocational Nurse License No. VN 152647

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Teresa Bello-Jones, J.D., M.P.H., R.N. (Complainant) brings this
20 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
21 Nursing and Psychiatric Technicians.
- 22 2. On or about July 12, 1991, the Board of Vocational Nursing and
23 Psychiatric Technicians issued Vocational Nurse License Number VN 152647 to CINDY
24 HANSEN JEMMINGS (Respondent). The Vocational Nurse License was in full force and effect
25 at all times relevant to the charges brought herein and will expire on January 31, 2007, unless
26 renewed.

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1 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or
2 administer to another, any controlled substance as defined in Division 10 of the Health and
3 Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of
4 Chapter 9 of Division 2 of this code.

5 "(b) Use any controlled substance as defined in Division 10 of the Health and
6 Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of
7 Chapter 9 of Division 2 of this code, or alcoholic beverages, to an extent or in a manner
8 dangerous or injurious to himself or herself, any other person, or the public, or to the extent that
9 such use impairs his or her ability to conduct with safety to the public the practice authorized by
10 his or her license.

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12 8. Code section 125.3 provides, in pertinent part, that the Board may request
13 the administrative law judge to direct a licensee found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 9. DRUGS

17 "Fentanyl" is a Schedule II controlled substance as designated by Health and
18 Safety Code section 11055, subdivision (c)(8), and a dangerous drug pursuant to Code section
19 4022.

20 "Versed" is a brand name of the generic drug midazolam and is a Schedule IV
21 controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(21),
22 and a dangerous drug pursuant to Code section 4022.

23 FIRST CAUSE FOR DISCIPLINE

24 (Obtained, Possessed and Self-Administered Controlled Substances)

25 10. Respondent has subjected her license to discipline under Code section
26 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section
27 2878.5, subdivision (a), in that on or about December 16, 2003, while on-duty and employed by
28 Kaiser Permanente Medical Group, Inc., Fremont Campus, Gastroenterology Department,

Respondent committed the following acts:

a. Respondent obtained Fentanyl, a controlled substance, by fraud, deceit, or subterfuge by diverting the drug from hospital supplies in violation of Health and Safety Code section 11173, subdivision (a).

b. Respondent possessed Fentanyl, a controlled substance, in violation of Code section 4060.

c. Respondent self-administered Fentanyl, a controlled substance.

SECOND CAUSE FOR DISCIPLINE

(Use Controlled Substance to an Extent or in a Manner Dangerous or Injurious to Herself or Others)

11. Complainant realleges the allegations set forth in paragraph 10 above, which are herein incorporated by reference as though fully set forth.

12. Respondent has subjected her license to discipline under Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (b), in that, on the occasion alleged in paragraph 10 above, Respondent used Fentanyl, a controlled substance, to an extent or in a manner dangerous or injurious to herself or others, and to the extent that the use impaired her ability to conduct with safety to the public the practice authorized by her license.

THIRD CAUSE FOR DISCIPLINE

(Obtained, Possessed and Self-Administered Controlled Substances)

13. Respondent has subjected her license to discipline under Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (a), in that between on or about March 2003 and December 16, 2003, while on duty and employed by Kaiser Permanente Medical Group, Inc., Fremont Campus, Gastroenterology Department, Respondent, by her own admission, on various occasions diverted Fentanyl and Versed, controlled substances, from hospital supplies for self-administration.

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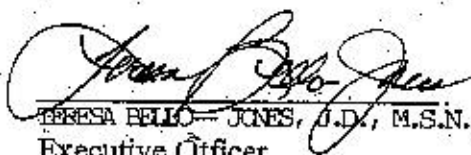
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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
4 Technicians issue a decision:

- 5 1. Revoking or suspending Vocational Nurse License Number VN 152647,
6 issued to Cindy Hansen Jemmings;
7 2. Ordering Cindy Hansen Jemmings to pay the Board of Vocational Nursing
8 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this
9 case pursuant to Code section 125.3; and,
10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: March 22, 2006

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14 THERESA BELLO-JONES, J.D., M.S.N., R.N.
15 Executive Officer
16 Board of Vocational Nursing and Psychiatric Technicians
17 State of California
18 Complainant
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20 03595110-SF2006400009

21 CSR: 3/02/06
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**DECLARATION OF SERVICE BY CERTIFIED MAIL
AND
DECLARATION OF SERVICE BY FIRST CLASS MAIL**

Case Name: In the Matter of the Petition to Revoke Probation Against:
CINDY HANSEN JEMMINGS

Case No.: 6871

I declare:

I am employed in the County of Sacramento, California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833-2945.

On November 4, 2008 I served the attached:

PETITION TO REVOKE PROBATION, STATEMENT TO RESPONDENT, REQUEST
FOR DISCOVERY, NOTICE OF DEFENSE (2 copies), AND COPY OF GOVERNMENT
CODE SECTIONS 11507.5, 11507.6 AND 11507.7

in said cause, by placing a true copy thereof enclosed in two separate sealed envelopes with postage thereon fully prepaid by Certified Mail and First Class Mail, in the United States mail at Sacramento, California, addressed as follows:

NAME/ADDRESS

Cindy Hansen Jemmings
721 Hacienda Avenue
San Lorenzo, CA 94580

CERTIFIED MAIL NUMBER

7007 2680 0000 3859 4201

I declare under penalty of perjury the foregoing is true and correct, and that this declaration was executed at Sacramento, California on November 4, 2008.

Heather Henderson
(Typed Name)

Heather Henderson
(Signature)

cc: Carol S. Romeo, Deputy Attorney General